Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

MLM - WR and PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Domino, on Farm-to-Market ("FM") Road 3129, four-tenths of a mile east of Highway 59 North, Domino, Cass County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but

does not wish to speak at Agenda.

Texas Register Publication Date: May 11, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$2,642

Amount Deferred for Expedited Settlement: \$0 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,321 Total Due to General Revenue: \$1,321

Payment Plan: 1 payment of \$1,321

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - N/A **Major Source:** No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Investigation Information

Complaint Date(s): September 9, 2011

Complaint Information: Alleged that there were issues with the quality of the

drinking water being provided.

Date(s) of Investigation: January 18, 2011 and September 13, 2011

Date(s) of NOE(s): October 21, 2011

Violation Information

- 1. Failed to provide Facility records to Commission personnel at the time of the investigations [30 Tex. Admin. Code § 290.46(f)(3)(A)(i)(III), (f)(3)(A)(ii), (f)(3)(A)(iv), (f)(3)(A)(v) and (f)(3)(A)(vi)].
- 2. Failed to conduct an annual inspection of the Facility's elevated storage tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].
- 3. Failed to maintain an up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE § 290.121(a) and (b)].
- 4. Failed to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system [30 Tex. ADMIN. CODE § 290.109(c)(1)(A)].
- 5. Failed to monitor the disinfectant residual at various locations throughout the distribution system [30 Tex. Admin. Code § 290.110(c)(4)].
- 6. Failed to issue a boil water notification within 24 hours using the prescribed notification format as specified in 30 Tex. Admin. Code § 290.47(e) [30 Tex. Admin. Code § 290.46(q)(1)].
- 7. Failed to operate the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher license [30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a)].
- 8. Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier [30 Tex. Admin. Code §§ 288.20(a) and 288.30(5)(B)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require Respondent to:

- a. Within 10 days:
- i. Begin collecting routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system; and
- ii. Begin monitoring the disinfectant residual at various locations throughout the distribution system.
- b. Within 30 days:
- i. Ensure that the Facility is operated under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher license; and
- ii. Develop and begin maintaining a written protocol that is to be followed to ensure that proper notification and boil water notices are provided to the customers of the Facility in the event of low distribution system pressure below 20 pounds per square inch, water outages, positive microbiological samples, low chlorine residuals, or other conditions which indicate that the water supply may be compromised.
- c. Within 45 days, submit written certification demonstrate compliance with Ordering Provisions a. and b.
- d. Within 60 days:
- i. Begin maintaining at the Facility a complete record of water works operations and maintenance activities, including but not limited to: the amount of chemicals used each week; the volume of water treated each week; the date, location, and nature of water quality, pressure or outage complaints received by the system and results of any subsequent complaint investigation; the dates dead-end mains were flushed; the dates that storage tanks and other facilities were cleaned; and the maintenance records for the Facility and its equipment;
- i. Compile a complete and up-to-date chemical and microbiological monitoring plan;
- ii. Adopt and keep on file a drought contingency plan; and
- iii. Conduct an inspection of the Facility's elevated storage tank.
- e. Within 75 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Stephen Thompson, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2558; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Lonzo Lincoln, Councilman, City of Domino, 14555 FM 3129, Queens

City, Texas 75572

The Honorable Jean Oliver, Mayor, City of Domino, 14555 FM 3129, Queens City, Texas

75572

Respondent's Attorney: N/A

	•	Calculation	Workshee		20.200
Policy Revision 2 (Se	ptember 2002)			PCW Revision	n October 30, 2008
	24-Oct-2011 28-Nov-2011 Screeni	ing 3-Nov-2011	EPA Due	33 (C.C.) **********************************	
RESPONDENT/FACILI					
Respondent Reg. Ent. Ref. No.	City of Domino				
Facility/Site Region			Major/Mino	r Source Minor	
CASE INFORMATION					
Enf./Case ID No.	42911 2011-2047-MLM-E			olations 6 ler Type Findings	
Media Program(s)			Government/No	***************************************	
Multi-Media				rdinator Stephen Thompsons Team Enforcement Tea	
Admin. Penalty \$ I	imit Minimum \$50	Maximum	\$1,000	<u> </u>	
	Pena	alty Calculati	on Section		
TOTAL BASE PENA	LTY (Sum of violation	on base penalti	ies)	Subtotal 1	\$950
ADJUSTMENTS (+	/-) TO SUBTOTAL 1				
Subtotals 2-7 are of Compliance Hi	tained by multiplying the Total B story	ase Penalty (Subtotal 1) 51.0%	by the indicated percen Enhancement	tage. Subtotals 2, 3, & 7	\$484
Notes	Enhancement for three Inwith dissimilar violations				110000000000000000000000000000000000000
Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
Notes	The Respondent	does not meet the	culpability criteria.		
Good Faith Eff	ort to Comply Total Adju	ıstments		Subtotal 5	\$0
					-
Economic Ben Approx	Total EB Amounts \$1,240 Cost of Compliance \$1,675	*Capped	nhancement* at the Total EB \$ Amou	Subtotal 6	\$0
SUM OF SUBTOTA	LS 1-7			Final Subtotal	\$1,434
	S JUSTICE MAY REC		0.0%	Adjustment	\$0
Notes					
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				Final Penalty Amount	\$1,434
purpos profitados de a a a a a como como como como como como					
STATUTORY LIMIT	ADJUSTMENT		Fi	nal Assessed Penalty	\$1,434
DEFERRAL Reduces the Final Assessed Pe	nalty by the indicted percentage.	(Enter number only; e.		duction Adjustment	\$0
Notes	No deferral is	recommended for F	indings Orders.		astuonimi
		anamaman a a califiliti		- 100° 	

PAYABLE PENALTY

\$1,434

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Respondent City of Domino Case ID No. 42911

Reg. Ent. Reference No. RN101388866

Media [Statute] Public Water Supply Enf. Coordinator Stephen Thompson

Compliance History Worksheet

History Notes	and one order containing a denial of liability.		
Compliance	Enhancement for three NOVs with same/similar violations, eight NOVs with dissir	nilar violations.	
ompliance Histo			
Average Pe		centage (Sub	total 7)
L	ory Person Classification (Subtotal 7)		-
N/A	,	centage (Sub	total 3)
epeat Violator (5 - 1	
<u> </u>	Adjustment Per	centage (Sub	total 2)
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
Ouser	Participation in a voluntary pollution reduction program	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Environmental management systems in place for one year or more	No	0%
Proceedings of the Control of the Co		ase Enter Yes or No	
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	O	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	n	0%
	orders meeting criteria)	1	20%
	Other written NOVs Any agreed final enforcement orders containing a denial of liability (number of	8	16%
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
2.7 1.1 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		Prince of the control	3 F

Screening Dat	EST CONTROL OF THE CO	PCW
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Case ID No Reg. Ent. Reference No		vision October 30, 2008
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Enf. Coordinato	Stephen Thompson	***************************************
Violation Number	er 1	300
Rule Cite(s	30 Tex. Admin. Code § 290.46(f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(A)(iii), (f)(3)(A)(iv), (f)(3)(A)(v) and (f)(3)(A)(vi)	The material and the state of t
Violation Descriptio	by the system and results of any subsequent complaint investigation; dates dead- end mains were flushed; dates that storage tanks and other facilities were cleaned;	
	and the maintenance records for the Facility and its equipment. Base Penalty	\$1,000
>> Environmental, Prope	erty and Human Health Matrix Harm	
Releas	se Major Moderate Minor	
OR Actu		
Potenti	al Percent 0%	
>>Programmatic Matrix		
Falsification	n Major Moderate Minor X Percent 5%	
<u>L</u>	Yercenc 370	7
Mahairi		
Matrix Notes	Between 30 and 70% of the rule requirement was not met.	
	Adjustment \$950	
		\$50
		430
Violation Events		
Number o	f Violation Events 1 51 Number of violation days	
Wallber 0	- Volucion Eveno	***************************************
	daily	
	weekly monthly	
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	annual single event x	
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en en	One single event is recommended.	
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Good Faith Efforts to Cor		\$0
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
	Ordinary	
	N/A x (mark with x)	
	Notes The Respondent does not meet the good faith criteria for	
	Notes this violation.	
		1.50
	Violation Subtotal	\$50
Economic Benefit (EB) fo	or this violation Statutory Limit Test	
Estim	ated EB Amount \$20 Violation Final Penalty Total	\$76
ESUM		
	This violation Final Assessed Penalty (adjusted for limits)	\$76

	E	conomic I	Benefit	Wo	rksheet		
Respondent	City of Domine)					*
Case ID No.	42911						
a. Ent. Reference No.		•					
	Public Water 9					n	Years of
Violation No.		• • •				Percent Interest	Depreciation
rioladon no.						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
# * * * * * * * * * * * * * * * * * * *	\$	50 344406 (101066600) 111 0110000000000000000000000	3206666 0 000000000000000000000000000000				
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction			5.0000000000000000000000000000000000000	0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$270	18-Jan-2011	1-Jul-2012	1.45	\$20	n/a	\$20
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a l	\$0
Notes for DELAYED costs	records, ca	lculated from the (date that the v	iolation compli	was initially docur ance.	keeping system for t mented to the estim	ated date of
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	enterir	ng item (except i	or one-time avoid	ed costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
pection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)		<u> </u>		0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Reg. Ent. Reference No. RN10138866 Media [Statute] Public Water Supply Ent. Coordinator Stephen Thompson Violation Number 2 2 3 30 Tex. Admin. Code § 290.46(m)(1)(A) Violation Description Failed to conduct an annual inspection of the Facility's elevated storage tank. Specifically, at the time of the investigation conducted on September 13, 2011, it was documented that the elevated storage tank and not been inspected in the previous year. **Secrifically, at the time of the investigation conducted on September 13, 2011, it was documented that the elevated storage tank and not been inspected in the previous year. **Secrifically, at the time of the investigation conducted on September 13, 2011, it was documented that the elevated storage tank and not been inspected in the previous year. **Secrifically, at the time of the investigation conducted on September 13, 2011, it was documented that the elevated storage tank and not been inspected in the previous year. **Secrifically, at the time of the investigation conducted on September 13, 2011, it was documented in the previous year. **Programmatic Matrix** **Failure to perform an inspection of the elevated storage tank could expose customers to significant amounts of contaminants that would not exceed levels that are protective of human health. **Adjustment** **Specifically, and the investigation conducted on September 13, 2011, it was documented in the previous year. **Specifically, and the investigation conducted on September 13, 2011, it was documented in the previous year. **Specifically, and the investigation conducted on September 13, 2011, it was documented in the previous year. **Specifically, and the investigation conducted on September 13, 2011, it was documented in the previous year. **Specifically, and the investigation conducted on September 13, 2011, it was documented in the previous year. **Specifically, and the investigation conducted on September 13, 2011, it was documented in the previous year. **Specifically, and the investigation cond	Screening Date		Docket No. 2011-2047-MLM-E	PCW
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Media [Statute] Public Water Supply				PCW Revision October 30, 2008
September Description Stephen Thompson Violation Number 2 30 Yex, Admin. Code § 290.46(m)(1)(A)				
Violation Description Falike to conduct an annual inspection of the facility's elevated storage tank. Specifically, at the time of the investigation conducted on September 13, 2011, it was documented that the elevated storage tank had not been inspected in the previous year.				
Solidation Solidation Solidation Solidation Statutory Limit Estimated EB Amount Solidation Statutory Limit Test Solidation		2		
Violation Description Specifically, at the time of the investigation conducted on September 13, 2011, it was documented that the elevated storage tank had not been inspected in the previous year. Base Penalty \$1,000 **Environmental, Property and Human Health Matrix **Harm **Noderate Minor **Percent 10% **Programmatic Matrix Fallure to perform an inspection of the elevated storage tank could expose customers to significant amounts of contaminants that would not exceed levels that are protective of human health. **Adjustment** **Signification Events** **Number of Violation Events** **Number of Violation Events** **Number of Violation Events** **One annual event is recommended.** **One annual event is recommended.** **One annual event is recommended.** **Signification Events** **The Respondent does not meet the good faith criteria for this violation.** **Violation Subtotal** **Violation Subtotal** **Violation Final Penalty Total** **Violation Final Penalty Total** **Signification Events** **The Respondent does not meet the good faith criteria for this violation.** **Violation Final Penalty Total** **Signification Events** **Signification Events** **The Respondent does not meet the good faith criteria for this violation.** **Violation Final Penalty Total** **Signification Events** **The Respondent does not meet the good faith criteria for this violation.** **Violation Final Penalty Total** **The Respondent does not meet the good faith criteria for this violation.** **Violation Final Penalty Total** **The Respondent does not meet the good faith crite	Rule Cite(s)	30 Т	ex. Admin. Code § 290.46(m)(1)(A)	
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Release Major Moderate Minor Potential X Percent 10% >> Programmatic Matrix Falsification Major Moderate Minor Percent 0% Major Moderate Minor Percent 10% Adjustment 5900 \$100 \$100 ### Spondart of Violation Events 1 365 Number of Violation days #### Weekly Minorithing Weekl	>> Environmental, Proper	ty and Human Healt	h Matrix	***************************************
Percent 10% >> Programmatic Matrix Falsification Major Moderate Minor Percent 0% Matrix Fallure to perform an inspection of the elevated storage tank could expose customers to significant amounts of contaminants that would not exceed levels that are protective of human health. Adjustment \$900		Harm		
Potential X Percent 10% >> Programmatic Matrix Failure to perform an inspection of the elevated storage tank could expose customers to significant amounts of contaminants that would not exceed levels that are protective of human health. Adjustment				
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Single events Single event Sin	<u> </u>			
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Extraordinary Ordinary N/A X (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$100 Economic Benefit (EB) for this violation \$1,096 Violation Final Penalty Total \$151		One annu	ial event is recommended.	
Extraordinary Ordinary N/A X (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$100 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1,096 Violation Final Penalty Total \$151				
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Estimated EB Amount \$1,096 Violation Final Penalty Total \$151	Conomic Banafit /EB\ fac	this violation		
This violation Final Assessed Penalty (adjusted for limits) \$151	Estimat	ed EB Amount	\$1,096 Violation Final Pena	ity Total \$151
		This v	riolation Final Assessed Penalty (adjusted fo	r limits) \$151

Media Violation No.	Public Water S	upply				Percent Interest	Years of Depreciation
Violation No.	2					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delaved Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)					********************************		
				0.00	\$0	n/a	\$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				enterii 0.00 0.00 0.00 0.00 0.00	ng item (except \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	ded costs)
Notes for DELAYED costs Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	### ##################################	IZE [1] avoided		enteri 0.00 0.00 0.00 0.00 0.00 1.92	ng Item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$1,000	ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$1
Notes for DELAYED costs Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment				enterii 0.00 0.00 0.00 0.00 0.00	ng item (except \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	ded costs) \$0 \$0 \$0 \$0 \$0

Screening Date		Docket No. 2011-2047-MLM-E	PCW
Respondent Case ID No.			Policy Revision 2 (September 2002) PCW Revision October 30, 2008
Reg. Ent. Reference No.			PCW REVISION OCTOBER 30, 2000
Media [Statute]	Public Water Supply		
Enf. Coordinator			
Violation Number Rule Cite(s)]		
Alteriation	30 Jex. Ad	min. Code § 290.121(a) and (b)	
THE PROPERTY OF THE PROPERTY O	Failed to maintain an un-to-c	date chemical and microbiological monitoring	ng olan.
Violation Description	Specifically, at the time of the	investigation conducted on September 13,	2011, it
Violation Description	British territoria (Colored Colored Co	ity only had a site sampling list in lieu of a discretion of a discretion of the manual field in the same of the s	complete
	- Cineamedra		
•			e Penalty \$1,000
		DdS	e Penalty \$1,000
>> Environmental, Proper		atrix	
Release	Harm Major Moderate	Minor	
OR Actual			
Potential		Percent 0%	***************************************
>>Programmatic Matrix			***************************************
Falsification	Major Moderate	Minor	
	(x	Percent 10%	
Matrix Notes	Greater than 70% of the	rule requirement was not met.	
		Adjustment	\$900
			\$100
· ·			<u> </u>
Violation Events			
Number of \	/iolation Events 1	51 Number of violation	days
The state of the s		B-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1	
	daily weekly		
terrature and the state of the	monthly		
mark only one with an x	quarterly	Violation Bas	e Penalty \$100
	semiannual annual		
TO THE PROPERTY OF THE PROPERT	single event x		
1			
### 177 ** ** ** ** ** ** ** ** ** ** ** ** *	One single eve	ent is recommended.	
Good Faith Efforts to Com	plv 0.0% Re	duction	\$0
good i altii Chorts to com		V to EDPRP/Settlement Offer	· ·
Highway	Extraordinary		
THE CONTRACT OF THE CONTRACT O	Ordinary X (m	ark with x)	
ediversions.			
The state of the s	Notes The Respondent	t does not meet the good faith criteria for this violation.	
		Violation	Subtotal \$100
Economic Benefit (EB) for	tnis violation	Statutory Limit	rest
Estimat	ed EB Amount	\$18 Violation Final Pena	olty Total \$151
	This violat	ion Final Assessed Penalty (adjusted fo	or limits) \$151
			-

	RN101388866					£2444556565656565656565656	
	Public Water S	upply				Percent Interest	Years of
Violation No.	3						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delaved Costs Equipment		r I		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$180	18-Jan-2011	1-Jul-2012	1.45	\$1	\$17	\$18
Engineering/construction	7.44			0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	4.6
Notes to DELAYED and	Mark Control of the C	2.2.3.3.3.3.3.4.4.4.4.4.4.2.4.4.4.4.4.4.	医电子性电影电影电子电子工作 化二氯化物 化二二二二烷	ount ne	ecessary to compil	e a chemical and mi	
Notes for DELAYED costs	monitoring p	lan, calculated fro	m the date tha dal	ount ne it the vi e of co	ecessary to compil iolation was origin mpliance.	e a chemical and mi ally documented to	crobiological the estimated
Avoided Costs	monitoring p	lan, calculated fro	m the date tha dal	ount ne it the vi e of coi	ecessary to compil iolation was origin mpliance. ng item (except	e a chemical and mi ally documented to for one-time avoic	crobiological the estimated led costs)
Avoided Costs	monitoring p	lan, calculated fro	m the date tha dal	ount ne it the vi e of co enterir 0.00	ecessary to compiliolation was origin mpliance. ng item (except \$0	e a chemical and mi ally documented to for one-time avoid \$0	crobiological the estimated led costs) \$0
Avoided Costs Disposal Personnel	monitoring p	lan, calculated fro	m the date tha dal	ount neat the vice of contents	ecessary to compil lolation was origin mpliance. ng item (except \$0 \$0	e a chemical and mi ally documented to for one-time avoid \$0 \$0	crobiological the estimated led costs) \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling	monitoring p	lan, calculated fro	m the date tha dal	ount neat the viet of colors of colo	ecessary to compiliolation was origin mpliance. ng item (except \$0 \$0 \$0 \$0	e a chemical and mi ally documented to for one-time avoid \$0 \$0	crobiological the estimated led costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	monitoring p	lan, calculated fro	m the date tha dal	ount neat the vice of colored on the	ecessary to compiliolation was origin mpliance. ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	e a chemical and mi ally documented to for one-time avoid \$0 \$0 \$0 \$0	crobiological the estimated led costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	monitoring p	lan, calculated fro	m the date tha dal	ount neat the viet of colors of colo	ecessary to compiliolation was origin mpliance. ng item (except \$0 \$0 \$0 \$0	e a chemical and mi ally documented to for one-time avoid \$0 \$0	crobiological the estimated led costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Pection/Reporting/Sampling Supplies/equipment	monitoring p	lan, calculated fro	m the date tha dal	ount neat the vice of colors of the vice of colors of the vice of	ecessary to compiliolation was origin mpliance. ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e a chemical and mi ally documented to for one-time avoid \$0 \$0 \$0 \$0	crobiological the estimated led costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	monitoring p	lan, calculated fro	m the date tha dal	ount ne it the vie of core enterin 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	ecessary to compiliolation was origin mpliance. ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e a chemical and mi ally documented to for one-time avoid \$0 \$0 \$0 \$0 \$0	crobiological the estimated led costs) \$0 \$0 \$0 \$0 \$0 \$0

Screening Date		Docket No. 2011-2047-MLM-E	PCW
Respondent	•		Policy Revision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.			PCW Revision October 30, 2008
Media [Statute]			
Enf. Coordinator			· · · · · · · · · · · · · · · · · · ·
Violation Number	4 1		
Rule Cite(s)	3(0 Tex. Admin. Code § 290.109(c)(1)(A)	proportion (1) Wi Higher Proportion (1) Higher Proportion (1)
Violation Description	which are represent Specifically, at the tim	ne distribution coliform samples at active service cortative of water quality throughout the distribution since of the investigation conducted on September 13, the entry point adjacent to the elevated storage tan only location used for sampling.	ystem. , 2011, it
		Bas	e Penalty \$1,000
>> Environmental, Proper	tv and Human Hei	alth Matrix	
	Harı	m	
Release OR Actual	Major Moder	rate Minor	
Potential		Percent 10%	
>>Programmatic Matrix			****
Falsification	Major Moder	rate Minor	
		Percent 0%	annenna annenn
Fallure to coll	ect routine distribution c	coliform samples at locations that are representative	of water
		system may lead to bacteria being undetected exp	
Notes customers t	o a significant amount o	if contaminants which would not exceed levels prote human health.	ective of
<u> </u>		indias (icabis.	
		Adjustment	\$900
1000 mm			\$100
Violation Events			
Number of N	iolation Events 1	51 Number of violation	days
mark only one	daily weekly monthly	William Violation Base	e Penalty \$100
with an x	quarterly x semiannual annual single event	Violation bass	\$100
One quarterly		calculated from the date of the investigation, Septe late of screening, November 3, 2011.	ember 13,
Good Faith Efforts to Com		0.0% Reduction	\$0
	Extraordinary Before I	NOV NOV to EDPRP/Settlement Offer	***************************************
	Ordinary		somonu
	N/A x	(mark with x)	mminon
	Notes The Res	spondent does not meet the good faith criteria for this violation.	
		Violation	Subtotal \$100
Economic Benefit (EB) for	this violation	Statutory Limit	Test
	ed EB Amount	\$5 Violation Final Pena	
Locinati	-		
	INI	is violation Final Assessed Penalty (adjusted fo	n mure)

Media Violation No.	Public Water S 4	Supply			÷	Percent Interest	Years of Depreciation
						5.0	1!
		Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$45	18-Jan-2011	1-Jul-2012	1.45	\$0	\$4	\$5
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal		<u> </u>		0.00	\$0	n/a	\$0
Permit Costs		<u> </u>		0.00	\$0 \$0	n/a n/a	\$0 \$0
	The delayed	costs include the a	amount necess	ary to i	mplement an adeo	quate sampling prog	ram to ensure
Notes for DELAYED costs		es are collected at	representative	locatio		n the date that the	
	that sample	es are collected at originall	representative y documented	locatio to the e	ns, calculated from estimated date of o	n the date that the	violation was
Notes for DELAYED costs Avoided Costs Disposal	that sample	es are collected at originall	representative y documented	locatio to the e	ns, calculated from estimated date of o	n the date that the compliance.	violation was
Avoided Costs	that sample	es are collected at originall	representative y documented	locatio to the e enterir	ns, calculated from estimated date of o ng item (except	n the date that the compliance. for one-time avoid	violation was
Avoided Costs Disposal Personnel	that sample	es are collected at originall	representative y documented	location the contents of the c	ns, calculated from estimated date of one one item (except \$0	n the date that the compliance. for one-time avoid \$0	violation was ded costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel	that sample	es are collected at originall	representative y documented	location the 6 entering 0.00 0.00 0.00 0.00 0.00	ns, calculated from estimated date of consistent (except \$0 \$0 \$0 \$0	n the date that the compliance. for one-time avoid \$0 \$0 \$0 \$0	ded costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling	that sample	es are collected at originall	representative y documented	enterir 0.00 0.00 0.00 0.00 0.00	ns, calculated from stimated date of congitem (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	n the date that the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	violation was
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	that sample	es are collected at originall	representative y documented	enterin 0.00 0.00 0.00 0.00 0.00 0.00	ns, calculated from the stimated date of the stimat	n the date that the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	violation was
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	that sample	es are collected at originall	representative y documented	enterir 0.00 0.00 0.00 0.00 0.00	ns, calculated from stimated date of congitem (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	n the date that the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	violation was
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	that sample	es are collected at originall	representative y documented	enterin 0.00 0.00 0.00 0.00 0.00 0.00	ns, calculated from the stimated date of the stimat	n the date that the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	violation was ded costs) \$0 \$0 \$0 \$0 \$0 \$0

	ate 3-Nov-2011	Docket No. 2011-2047-MLM-E	PCW
Responde Case ID I	ent City of Domino		Policy Revision 2 (September 2002) PCW Revision October 30, 2008
Reg. Ent. Reference			rew nevision october 30, 2000
Media [Statu	te] Public Water Supply		22.20000
Enf. Coordina Violation Num	tor Stephen Thompson ber 5		
Rule Cite	2(6)		
		30 Tex. Admin. Code § 290.110(c)(4)	
		e disinfectant residual at various locations through	
Violation Descript		Specifically, at the time of the investigation condu it was documented that the entry point adjacent to	
•	elevated storage tar	nk was the only location used to monitor the disinf	ectant
		residual.	
		Bas	se Penalty \$1,000
			-
>> Environmental, Pro	perty and Human Hea Harn		
Rele	[ate Minor	
OR Ac	tual x	Percent 10%	
	P		1
>>Programmatic Matri Falsificat		ate Minor	
1 districat		Percent 0%	
			000000017400000
Failure Matrix throug	to monitor the disinfectant re hout the distribution system	isidual at locations that are representative of water may lead to inadequate treatment of the water an	r quality discould
		int of contaminants which would not exceed levels	
		of human health.	
		Adjustment	\$900
			\$100
Violation Events			
Number	of Violation Events 1	Number of violation	days
	daily		
	weekly		
mark only o	one monthly	Violation Bas	e Penalty \$100
with an)	quarterly x semiannual	Violation basi	e Penaity \$100
	annual		•
	single event		
One guart	arly event is recommended	calculated from the date of the investigation, Septe	ember 13
Vine quar		ne estimated date of compliance.	
E			
Good Faith Efforts to C		.0% Reduction	\$0
	Before N Extraordinary	IOV NOV to EDPRP/Settlement Offer	
	Ordinary		
	N/A ×	(mark with x)	
	Notes The Res	pondent does not meet the good faith criteria for	
	Hotes	this violation.	
	Linear Commission Comm	Violation	Subtotal \$100
Economic Benefit (EB)	for this violation	Statutory Limit	:Test
Estir	mated EB Amount	\$5 Violation Final Pena	alty Total \$151
	Thic	s violation Final Assessed Penalty (adjusted fo	or limits) \$151
	11115		

		conomic i	Benefit	WO	гкѕпеет		
Respondent	City of Domine)					
Case ID No.							
ea. Ent. Reference No.	RN101388866	i					
Media	Public Water S	Supply				Percent Interest	Years of
Violation No.							Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
***********		•					
Item Description	NO COMMINS OF \$						
Delayed Costs		T T		0.00	\$0	\$0	\$0
Equipment		 		0.00	\$0 \$0	\$0	\$0
Buildings	\$45	18-Jan-2011	1-Jul-2012	1.45	\$0 \$0	\$4	\$5
Other (as needed)		1 10 301 2011	1 301 2012	0.00	\$0	\$0	\$0
Engineering/construction Land				0.00	\$0	n/a	\$0
Record Keeping System		1		0.00	\$0	n/a	\$0
Training/Sampling		1		0.00	\$0	n/a	\$0
Remediation/Disposal		1		0.00	\$0	n/a	\$0
Permit Costs		- 					
		- B (44 (14 (44 (44 (44 (44 (44 (44 (44 (44		0.00	\$0	n/a	\$0
Other (as needed)	The delay	ed costs include th	e amount nece	0.00 0.00 ssary t	\$0 o implement an a	n/a dequate disinfectant	\$0 : monitoring
Other (as needed) Notes for DELAYED costs	program to e the d	nsure that the dis ate that the violati	infectant residi on was origina	0.00 essary t ual is m ly docu	\$0 to implement an a onitored at repres mented to the est	n/a dequate disinfectant sentative locations, c timated date of com	\$0 monitoring alculated from pliance.
Other (as needed) Notes for DELAYED costs Avoided Costs	program to e the d	nsure that the dis ate that the violati	infectant residi on was origina	0.00 essary t ual is m ly docu enterio	\$0 o implement an a onitored at represented to the estence item (except)	n/a dequate disinfectant sentative locations, c imated date of com for one-time avoi	\$0 monitoring alculated from pliance. ded costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	program to e the d	nsure that the dis ate that the violati	infectant residi on was origina	0.00 essary t ual is m ly docu enterii 0.00	\$0 on implement an a conitored at represented to the esting item (except \$0	n/a dequate disinfectant sentative locations, c timated date of com for one-time avoid	\$0 monitoring calculated from pliance. ded costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	program to e the d	nsure that the dis ate that the violati	infectant residi on was origina	essary t ual is m ly docu enterii 0.00	\$0 on implement an a conitored at represented to the est one item (except \$0 \$0	n/a dequate disinfectant sentative locations, o timated date of com for one-time avoid \$0 \$0	\$0 monitoring alculated from pliance. ded costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling	program to e the d	nsure that the dis ate that the violati	infectant residi on was origina	essary tradition of the content of t	\$0 on implement an a conitored at represented to the esting item (except \$0	n/a dequate disinfectant sentative locations, c timated date of com for one-time avoid	\$0 : monitoring :alculated from pliance. ded costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	program to e the d	nsure that the dis ate that the violati	infectant residi on was origina	essary t ual is m ly docu enterii 0.00	\$0 o implement an a onitored at represemented to the est ong item (except \$0 \$0 \$0	n/a dequate disinfectant sentative locations, commended date of commended date of commended so the second	\$0 monitoring alculated from pliance. ded costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	program to e the d	nsure that the dis ate that the violati	infectant residi on was origina	0.00 essary tradis m ly docu enterin 0.00 0.00 0.00	\$0 o implement an a onitored at represented to the est of the state of	n/a dequate disinfectant sentative locations, o timated date of com for one-time avoid \$0 \$0 \$0 \$0	\$0 : monitoring calculated from pliance. ded costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	program to e the d	nsure that the dis ate that the violati	infectant residi on was origina	0.00 essary t ual is m ly docu enterii 0.00 0.00 0.00 0.00	\$0 o implement an a onitored at represented to the est of item (except) \$0 \$0 \$0 \$0 \$0 \$0	n/a dequate disinfectant sentative locations, or imated date of complete so the solution of th	\$0 Important the second
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel repection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	program to e the d	nsure that the dis ate that the violati	infectant residi on was origina	essary t ual is m ly docu enterii 0.00 0.00 0.00 0.00 0.00	\$0 on implement an a conitored at represented to the est so	n/a dequate disinfectant sentative locations, climated date of composition of the composi	\$0 monitoring calculated from pliance. ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	program to e the d	nsure that the dis ate that the violati	infectant residi on was origina	essary t ual is m ly docu enterii 0.00 0.00 0.00 0.00 0.00	\$0 on implement an a conitored at represented to the est so	n/a dequate disinfectant sentative locations, climated date of composition of the composi	\$0 monitoring calculated from pliance. ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$

Screening Date		PCW
Respondent	,	sion 2 (September 2002)
Case ID No.		evision October 30, 2008
Reg. Ent. Reference No.	RN101388866	
Media [Statute]		
Enf. Coordinator		-
Violation Number		1
Rule Cite(s)	30 Tex. Admin. Code § 290.46(q)(1)	
	Failed to issue a boil water notification within 24 hours using the prescribed	
	notification format as specified in 30 Tex. Admin. Code § 290.47(e). Specifically, at	
Violation Description	the time of the investigation conducted on September 13, 2011, it was documented	
,	that at least two water outages occurred during the month of August 2011 and that the Respondent did not issue boll water notices within 24 hours of the water	
	outages.	
		1
	Base Penalty	\$1,000
>> Environmental, Proper	ty and Human Health Matrix	
Release	Harm Major Moderate Minor	· ·
OR Actual		
Potential	Percent 25%	HOLDER
		HILLIAMAN
>>Programmatic Matrix		униминич
Falsification	Major Moderate Minor Percent 0%	THE
<u> </u>	Percent 070	·
ENINEAP OF	ssue a boil water notice may not allow consumers to take appropriate measures to	1
Matrix prevent e	exposure to significant amount of contaminants that would exceed levels that are	
Notes	protective of human health.	
<u> regulielistas</u>		d
	Adjustment \$750	1
		\$250
Violation Events		
Number of V	Violation Events 2 Number of violation days	
	daily daily	
	weekly seekly	
	monthly monthly	
mark only one with an x	quarterly Violation Base Penalty	\$500
With the A	semiannual	
	annual	
4 40 00 00 00 00 00 00 00 00 00 00 00 00	single event x	
	Two single events are recommended (one event per water outage).	
	• • • • • • • • • • • • • • • • • • •	\$0
Good Faith Efforts to Com	ply 0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	μ φυ
	Extraordinary	
	Ordinary	***
	N/A (mark with x)	
	The Respondent does not meet the good faith criteria for	
	Notes this violation.	
	Violation Subtotal	\$500
and the state of t	Violation Subtotal	1 9000
Economic Benefit (EB) for	this violation Statutory Limit Test	
		ATE
Estimat	ed EB Amount \$97 Violation Final Penalty Total	\$755
and the state of t	This violation Final Assessed Penalty (adjusted for limits)	\$755

Item Cost Date o commas or \$ \$45 13-		Final Date	0.00 0.00 0.72 0.00	\$0 I	5.0 Onetime Costs	EB Amount
o commas or \$			0.00 0.00 0.72 0.00	\$0 I	\$0	
\$45 13-	13-Sep-2011	1-Jun-2012	0.00 0.72 0.00	\$0		<u> </u>
\$45 13-	13-Sep-20111 8	11-Jun-2012	0.00 0.72 0.00	\$0		ŧΩ
\$45 13-	13-Sep-2011	1-Jun-2012	0.72			> U
\$45 13-	13-Sep-2011	1-Jun-2012	0.00		\$0	\$0
				\$0	\$2	\$2
				\$0	\$0	\$0
			0.00	\$0	n/a	\$0
			0.00	\$0	n/a	\$0
			0.00	\$0	n/a	\$0
	100 mm (100 mm		0.00	\$0	n/a	\$0
	خالا		0.00	\$0	n/a	\$0
		احصا	0.001	501	<u>n/a 1</u>	\$0
Mowed to ensure	of the ir	investigation to	the est	imated date of co	mpliance.	
ANNUALIZE [0.00	\$0	\$0	\$0
ANNUALIZE [\$0	\$0	\$0
ANNUALIZE [0.00		\$0	\$0
ANNUALIZE [0.00	\$0		
ANNUALIZE [\$0 \$0	\$0	\$0
	1:-Aug-2011.	31-Aug-2011	0.00		\$0 \$90 \$0	\$0 \$95
	ed to ensi	ed to ensure boil water n of the	ed to ensure boil water notices are issued of the investigation to	ed to ensure boil water notices are issued to cus of the investigation to the est INUALIZE [1] avoided costs before enterin	layed costs include the estimated amount to develop and implement to ensure boil water notices are issued to customers when apport of the investigation to the estimated date of continuous [1] avoided costs before entering item (except for entering item).	layed costs include the estimated amount to develop and implement a written protoced to ensure boil water notices are issued to customers when appropriate, calculated of the investigation to the estimated date of compliance. INUALIZE [1] avoided costs before entering item (except for one-time avoid

Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 Assigned 24-Oct-2011 PCW 28-Nov-2011 Screening 3-Nov-2011 EPA Due RESPONDENT/FACILITY INFORMATION Respondent City of Domino Reg. Ent. Ref. No. RN101388866 Facility/Site Region 5-Tyler Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 42911 No. of Violations 1 Order Type Findings Docket No. 2011-2047-MLM-E Media Program(s) Public Water Supply Government/Non-Profit Yes Multi-Media Water Rights Enf. Coordinator Stephen Thompson EC's Team Enforcement Team 2 \$50 Maximum Admin. Penalty \$ Limit Minimum \$1,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$300 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 51.0% Enhancement \$153 Enhancement for three NOVs with same/similar violations, eight NOVs Notes with dissimilar violations, and one order containing a denial of liability. 0.0% Enhancement Subtotal 4 Culpability No \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 \$0 0.0% Enhancement* Subtotal 6 Economic Benefit *Capped at the Total EB \$ Amount Total FB Amounts \$3,668 Approx. Cost of Compliance \$25,000 \$453 SUM OF SUBTOTALS 1-7 Final Subtotal **\$0** OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment Reduces or enhances the Final Subtotal by the indicated percentage

Final Penalty Amount

Final Assessed Penalty

Reduction Adjustment

0.0%

\$453

\$453

\$453

\$0

Notes

Notes

PAYABLE PENALTY

DEFERRAL

STATUTORY LIMIT ADJUSTMENT

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

No deferral is recommended for Findings Orders.

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Docket No. 2011-2047-MLM-E

Screening Date 3-Nov-2011

Respondent City of Domino

Case ID No. 42911

Reg. Ent. Reference No. RN101388866

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Component	ory Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.		
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%		
	Other written NOVs	8	16%		
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%		
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%		
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%		
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%		
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%		
Emissions	Chronic excessive emissions events (number of events)	0	0%		
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%		
Augus	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%		
	Ple	ase Enter Yes or No	· · · · · · · · · · · · · · · · · · ·		
	Environmental management systems in place for one year or more	No	0%		
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%		
	Participation in a voluntary pollution reduction program	No	0%		
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%		
	Adjustment Per	centage (Sub	ototal 2)	5	
Repeat Violator (Subtotal 3)				
N//	Adjustment Per	centage (Sub	total 3) [(
Compliance Histo	ory Person Classification (Subtotal 7)				
Average Po	erformer Adjustment Per	centage (Sub	total 7)	(
Compliance Histo	ory Summary		_		
Compliance History Notes	Enhancement for three NOVs with same/similar violations, eight NOVs with dissing and one order containing a denial of liability.	nilar violations,			

Final Adjustment Percentage *capped at 100%

PCW	***************************************	Screening Date
ilon 3 (September 2011)		Respondent
Revision August 3, 2011		Case ID No.
		Reg. Ent. Reference No.
		Media [Statute]
		Enf. Coordinator
		Violation Number
	30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code §	Rule Cite(s)
	341.033(a)	
	Failed to operate the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher license. Specifically, at the time of the investigation conducted on September 13, 2011, it was documented that the Respondent has a licensed operator under contract to collect routine distribution colliform samples, but the operator does not perform any other process control duties.	Violation Description
\$1,000	Base Penalty	
	ty and Human Health Matrix	>> Environmental, Proper
	Harm Major Moderate Minor	Release
	Major Moderate Filmor	OR Actual
	x Percent 15.0%	Potential
	Company of the Compan	
		>Programmatic Matrix
	Major Moderate Minor	Falsification
N.	Percent 0.0%	
1	MESSAGE PRODUCTION OF THE TRANSPORTED OF THE TRANSP	
	nsure that the Facility is operated under the supervision of an adequately licensed uld lead to the improper treatment of the water and could expose customers of the	i i i i i i i i i i i i i i i i i i i
	significant amount of contaminants which would exceed levels protective of human	
v ·	health.	Notes Tacincy to a
3		<u> </u>
	Adjustment \$850	
\$150		
		iolation Events
		iolation events
	Violation Events 2 51 Number of violation days	Number of V
	Lessange de constitue de la Co	
	dally	
	weekly	
\$300	monthly Expression	mark only one
\$300	quarterly Signature Violation Base Penalty	with an x
	semiannual	
	annual single event	
-		
		r idali del de la companya de la com
	events are recommended, calculated from the date of the investigation, September 13, 2011, to the date of screening, November 3, 2011.	Two monthly
	13, 2011, to the date of selecting, November 3, 2011.	
40		
\$0		food Faith Efforts to Com
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
	Ordinary	
	N/A x (mark with x)	

	The Respondent does not meet the good faith criteria for	
	this violation,	
\$300	Violation Subtotal	
	this violation Statutory Limit Test	conomic Benefit (EB) for
\$453	ed EB Amount \$3,668 Violation Final Penalty Total	Ectimat
	Nyssaaniningassa variotata talahan kanana	Estimat
\$453	This violation Final Assessed Penalty (adjusted for limits)	

City of Domin 42911 RN101388866 Public Water S 1	5					
RN101388866 Public Water 9 1						**************************************
Public Water 9						*****************
1	Supply					
					Percent Interest	Years of
					reitent miterest	Depreciation
Item Cost					5.0	1
	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Ne commas or \$						
			0.00	\$0	\$0	\$0
					\$0	\$0
						\$0
					\$0	\$0
					n/a	\$0
						\$0
						\$0
						\$0
					n/a	\$0
			0.00	50	n/a	\$0
ANNIIAI	IZE UL avoided	oosis before				
ANNUAL	JZE [1] avoided	costs before			n/a for one-time avoic	
#25,000	1ZE [1] avoided	costs before	enterin	ig item (except i	or one-time avoic	led costs)
			enterin	ig item (except i	for one-time avoic \$0	led costs) \$0
			enterir 0.00 0.14	g item (except) \$0 \$175	for one-time avoid \$0 \$3,493	led costs) \$0 \$3,668
			enterir 0.00 0.14 0.00	ig item (except) \$0 \$175 \$0	for one-time avoic \$0 \$3,493 \$0	fed costs) \$0 \$3,668 \$0
			0.00 0.14 0.00 0.00	ig item (except) \$0 \$175 \$0 \$0	for one-time avoic \$0 \$3,493 \$0 \$0	s0
				0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	0.00 \$0	

Policy Revision 2 (Se	Penalty Calculation Worksheet (PC	PCW Revision October 30, 2008
	24-Oct-2011 Screening 3-Nov-2011 EPA Due	
RESPONDENT/FACILI Respondent Reg. Ent. Ref. No. Facility/Site Region	City of Domino RN101388866	Minor
Media Program(s)	2011-2047-MLM-E Order Type Water Rights Government/Non-Profit Public Water Supply Enf. Coordinator EC's Team	Findings
TOTAL BASE PENA	Penalty Calculation Section LTY (Sum of violation base penalties)	Subtotal 1 \$500
ADJUSTMENTS (+, Subtotals 2-7 are ob	/-) TO SUBTOTAL 1 tained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance Hi	Story 51.0% Enhancement Subton Enhancement for three NOVs with same/similar violations, eight NOVs with dissimilar violations, and one order containing a denial of liability.	stals 2, 3, & 7 \$255
Culpability Notes	No 0.0% Enhancement The Respondent does not meet the culpability criteria.	Subtotal 4 \$0
Good Faith Effo	ort to Comply Total Adjustments	Subtotal 5 \$0
Economic Bene Approx.	Total EB Amounts \$37 *Capped at the Total EB \$ Amount Cost of Compliance \$360	Subtotal 6 \$0
SUM OF SUBTOTAL	LS 1-7	inal Subtotal \$755
	AS JUSTICE MAY REQUIRE 0.0% Subtotal by the indicated percentage.	Adjustment \$0
Notes	Final Per	nalty Amount \$755
STATUTORY LIMIT	「ADJUSTMENT Final Asse	ssed Penalty \$755
DEFERRAL Reduces the Final Assessed Pe Notes	nalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) No deferral is recommended for Findings Orders.	Adjustment \$0

PAYABLE PENALTY

\$755

Screening Date 3-Nov-2011

Docket No. 2011-2047-MLM-E

Respondent City of Domino

Case ID No. 42911

Reg. Ent. Reference No. RN101388866

Media [Statute] Water Rights

Enf. Coordinator Stephen Thompson

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Compliance History Worksheet

Component	Number of	Enter Number Here	Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	8	16%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	O	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
eat Violator (-
N//	Adjustment Perd	centage (Subt	total 3)
npliance Histo	ory Person Classification (Subtotal 7)		
Average Pe	erformer Adjustment Pero	centage (Subt	total 7)
npliance Histo	ory Summary		
Compliance History	Enhancement for three NOVs with same/similar violations, eight NOVs with dissin and one order containing a denial of liability.	nilar violations,	

Screening Date		Docket No. 2011-2047-MLM-E	PCW
Respondent			Policy Revision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.			PCW Revision October 30, 2008
Media [Statute]			
Enf. Coordinator	Stephen Thompson		
Violation Number	1		
Rule Cite(s)	30 Tex	. Admin. Code §§ 288.20(a) and 288.30(5)(B)	
מה היים היים היים היים היים היים היים הי			
Violation Description	municipal use by a investigation condu	drought contingency plan which includes all elemen retail public water supplier. Specifically, at the time acted on September 13, 2011, it was documented the lad not formally adopted a drought contingency plar	of the nat the
		, Base	Penalty \$5,000
	•		-
>> Environmental, Proper	ty and Human He Hai		`
Release	Major Mode		
OR Actual Potential		Percent 0%	
		0,0	
>>Programmatic Matrix	Major Mode	Nata Minor	,
Falsification	Major Mode	erate Minor Percent 10%	2004
Matrix	100% of t	ha rida paguiramant may not mak	
Notes	100% 01 0	he rule requirement was not met.	
		Adjustment	\$4,500
	· ·		\$500
Violation Events			
Number of \	Violation Events 1	51 Number of violation of	days
	daily		
	weekly		
mark only one	monthly quarterly	Violation Base	Penalty \$500
with an x	semiannual		
	annualx		
•	plinite cacie 7	941116112	
	One s	single event is recommended.	
Good Faith Efforts to Com	Ply Before	0.0% Reduction NOV NOV to EDPRP/Settlement Offer	\$0
· ·	Extraordinary		
	Ordinary		4
	N/A <u>×</u>	(mark with x)	
	Notes The Re	spondent does not meet the good faith criteria for this violation.	verezon un de mario d
		Violation	Subtotal \$500
Economic Benefit (EB) for	this violation	Statutory Limit	Test
Estimate	ed EB Amount	\$37 Violation Final Pena	ity Total \$755
		s violation Final Assessed Penalty (adjusted fo	
	i Ni:	a violation i mai Assesseu Feildity (dujusted 10	i mine) \$733

NACH MARK	C:+ E D !				rksheet		
Case ID No.	City of Domino)					
g. Ent. Reference No.	Water Rights						Years of
Meura Violation No.						Percent Interest	Depreciation
Violation No.	T					5.0	15
	******	n n	Final Date		Tubana Saud	Onetime Costs	EB Amount
12.00		Date Required	rinai Date	115	Interest Saveu	Onetime Costs	ED AINDUIL
Item Description	No commas or \$						
Delaved Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$360	18-Jan-2011	1-Jul-2012	1.45	\$2	\$35	\$37
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
	The delayed c	osts include the e	stimated amou	nt nece	ssary to draft and	adopt a drought co	
Notes for DELAYED costs	calculated from	n the date that th	e violation was	origina	lly documented to	adopt a drought co the estimated date	ntingency plan, of compliance.
Avoided Costs	calculated from	n the date that th	e violation was	origina enteri r	lly documented to	the estimated date	ntingency plan, of compliance. ded costs)
Avoided Costs Disposal	calculated from	n the date that th	e violation was	origina enterir 0.00	Ily documented to ig item (except \$0	the estimated date for one-time avoid \$0	ntingency plan, of compliance. ded costs) \$0
Avoided Costs, Disposal Personnel	calculated from	n the date that th	e violation was	enterin 0.00	Ily documented to ng item (except so \$0 \$0	the estimated date for one-time avoid \$0 \$0	ntingency plan, of compliance. ded costs) \$0 \$0
Avoided Costs Disposal Personnel ection/Reporting/Sampling	calculated from	n the date that th	e violation was	enterir 0.00 0.00 0.00	Illy documented to ing item (except in \$0 \$0 \$0	for one-time avoides \$0 \$0 \$0 \$0	ntingency plan, of compliance. ded costs) \$0 \$0
Avoided Costs Disposal Personnel ection/Reporting/Sampling Supplies/equipment	calculated from	n the date that th	e violation was	enterir 0.00 0.00 0.00 0.00	ally documented to ag item (except : \$0 \$0 \$0 \$0	or one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	ntingency plan, of compliance. ded costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel ection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	calculated from	n the date that th	e violation was	enterir 0.00 0.00 0.00 0.00 0.00	illy documented to ig item (except \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ntingency plan, of compliance. ded costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel ection/Reporting/Sampling Supplies/equipment Financial Assurance [2] DNE-TIME avoided costs [3]	calculated from	n the date that th	e violation was	enterir 0.00 0.00 0.00 0.00 0.00	Ily documented to Ig item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ntingency plan, of compliance. led costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel ection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	calculated from	n the date that th	e violation was	enterir 0.00 0.00 0.00 0.00 0.00	illy documented to ig item (except \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ntingency plan, of compliance. ded costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Dection/Reporting/Sampling Supplies/equipment Financial Assurance [2] DNE-TIME avoided costs [3]	calculated from	n the date that th	e violation was	enterir 0.00 0.00 0.00 0.00 0.00	Ily documented to Ig item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ntingency plan, of compliance. led costs) \$0 \$0 \$0 \$0 \$0 \$0

Compliance History

Customer/Respondent/Owner-Operator:

CN600663769

City of Domino

Classification: AVERAGE

Rating: 3.01

Regulated Entity:

RN101388866

CITY OF DOMINO

Classification:

Site Rating:

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY

REGISTRATION

0340041

WATER LICENSING

LICENSE

0340041

Location:

LOCATED ON FM 3129, .4 MI E OF HWY 59 N.

CASS COUNTY, TEXAS

TCEQ Region:

REGION 05 - TYLER

Date Compliance History Prepared:

November 02, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

November 02, 2006 to November 02, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Stephen Thompson

Phone:

(512) 239-2558

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

No

2. Has there been a (known) change in ownership/operator of the site during the compliance period? 3. If Yes, who is the current owner/operator?

N/A

4. If Yes, who was/were the prior owner(s)/operator(s)?

N/A

5. When did the change(s) in owner or operator occur?

N/A

Components (Multimedia) for the Site:

Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 05/11/2007

ADMINORDER 2004-1457-PWS-E

Classification: Moderate

30 TAC Chapter 290, SubChapter F 290.109(c)(2)

30 TAC Chapter 290, SubChapter F 290.109(g)(4) 30 TAC Chapter 290, SubChapter F 290.122(c) 5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect and submit routine monthly water samples for Aug thru Dec 02 and Feb thru

Aug 03 and failure to provide public notice for Aug thru Dec 02.

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.109(b)(2)

30 TAC Chapter 290, SubChapter F 290.109(g)(3) 30 TAC Chapter 290, SubChapter F 290.122(a)(1)(A)

5A THC Chapter 341, SubChapter A 341.031

Description: Exceeded the MCL for coliform bacteria

Classification: Moderate Citation:

30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)

Description: Failure to submit additional water samples in Oct 03, May and July 04 after routine samples

tested positive for bacteria. Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.113

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Exceeded the MCL for TTHM

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)

30 TAC Chapter 290, SubChapter F 290.109(g)(4)

30 TAC Chapter 290, SubChapter F 290.122(c)

Description: Failure to take at least five bacteriological samples in Nov 03, June and August 2004

following a coliform positive sample.

Any criminal convictions of the state of Texas and the federal government.

N/A

Chronic excessive emissions events.

N/A

```
The approval dates of investigations. (CCEDS Inv. Track. No.)
D.
                   1 10/02/2007
                                       (596106)
                   2 02/08/2008
                                       (652109)
                                       (652110)
                   3 02/08/2008
                   4 05/18/2007
                                       (652295)
                   5 05/18/2007
                                       (652296)
                   6 08/08/2007
                                       (652568)
                   7 08/10/2007
                                       (652676)
                   8 11/15/2007
                                       (653043)
                   9 11/15/2007
                                       (653044)
                  10 06/27/2008
                                       (684285)
                  11 02/09/2011
                                       (894783)
                  12 03/10/2011
                                       (900770)
         Written notices of violations (NOV). (CCEDS Inv. Track. No.)
E.
                                                                      CN600663769
                Date: 05/18/2007
                                      (652295)
                                                                                  Classification:
                                                                                                 Moderate
               Self Report? NO
                                 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
               Citation:
                                 TOTAL TRIHALOMETHANES
               Description:
               Date: 05/18/2007
                                      (652296)
                                                                      CN600663769
                                                                                  Classification:
                                                                                                 Moderate
               Self Report?
                                 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
               Citation:
               Description:
                                 HAA5
                                      (652568)
                                                                      CN600663769
               Date: 08/08/2007
                                                                                  Classification:
                                                                                                 Moderate
               Self Report?
                                 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
               Citation:
               Description:
                                 HAA5
                                                                      CN600663769
               Date: 08/10/2007
                                     (652676)
                                                                                  Classification:
                                                                                                 Moderate
               Self Report?
               Citation:
                                 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
                                 TOTAL TRIHALOMETHANES
               Description:
                                                                      CN600663769
               Date: 10/08/2007
                                      (596106)
                                                                                  Classification:
                                                                                                 Moderate
               Self Report?
               Citation:
                                 30 TAC Chapter 290, SubChapter D 290.46(f)
                                 Failed to maintain Monthly Reports of Water Works Operation each month and
               Description:
                                 kept on file for commission review for at least 2 years.
               Self Report?
                             NO
                                                                                  Classification:
                                                                                                 Minor
                                 30 TAC Chapter 290, SubChapter D 290.42(I)
               Citation:
                                 Failure to maintain a written Plant Operations Manual.
               Description:
                                                                                  Classification:
                                                                                                 Minor
               Self Report?
                                 30 TAC Chapter 290, SubChapter D 290.43(c)(3)
               Citation:
                                 Failure to provide the overflow pipe on the elevated storage tanks with a
               Description:
                                 gravity-hinged and weighted cover. The cover must seat properly with a gap of not
                                 more than 1/16 inch.
                                                                                  Classification: Minor
                              NO
               Self Report?
                                 30 TAC Chapter 290, SubChapter D 290.43(e)
               Citation:
                                 Failure to enclose a potable water storage tanks with an intruder-resistant fence
               Description:
                                 with lockable gates or a locked, ventilated house.
               Self Report?
                              NO
                                                                                  Classification: Major
                                 30 TAC Chapter 290, SubChapter D 290.46(d)(2)
               Citation:
                                 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
                                 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)
                                 Failure to maintain a free chorine residual of at least 0.2 mg/L throughout the
               Description:
                                 distribution system.
                                                                                  Classification: Moderate
               Self Report?
                              NO
                                 30 TAC Chapter 290, SubChapter D 290.46(i)
               Citation:
               Description:
                                 Failure to adopt an adequate plumbing ordinance, regulations or a service
                                 agreement with provisions for proper enforcement.
```

Classification: Minor Self Report?

30 TAC Chapter 290, SubChapter D 290.46(m)(1) Citation:

Description: Failed to inspect the elevated storage tank at least annually.

Classification: Minor Self Report?

30 TAC Chapter 290, SubChapter F 290.121(a) Citation:

Failed to maintain copies of the Monitoring Plan at each water treatment plant and Description:

at a central location available for review.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 288, SubChapter B 288.20

Failed to provide a copy of an adopted drought contingency plan. Description:

CN600663769 Date: 11/15/2007 (653043)

Classification: Moderate Self Report?

30 TAC Chapter 290, SubChapter F 290.113(f)(4) Citation:

TOTAL TRIHALOMETHANES Description:

Date: 11/15/2007 (653044)CN600663769

Classification: Moderate Self Report? NO

30 TAC Chapter 290, SubChapter F 290.113(f)(5) Citation:

Description: HAA5

CN600663769 Date: 02/08/2008 (652109)

Classification: Moderate Self Report?

30 TAC Chapter 290, SubChapter F 290.113(f)(4) Citation:

TOTAL TRIHALOMETHANES Description:

Date: 02/08/2008 (652110)CN600663769

Classification: Moderate Self Report?

30 TAC Chapter 290, SubChapter F 290.113(f)(5) Citation:

HAA5

Description:

CN600663769 Date: 07/02/2008 (684285)

Self Report? Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Failed to maintain copies of the Monitoring Plan at each water treatment plant and Description: at a central location available for review.

Date: 03/11/2011 (900770)CN600663769

Classification: Moderate Self Report? NO

30 TAC Chapter 290, SubChapter D 290.46(f) Citation: Description: Failed to maintain Monthly Reports of Water Works Operation each month and

kept on file for commission review for at least 2 years.

Self Report? NO Classification: Minor

30 TAC Chapter 290, SubChapter D 290.42(I) Citation:

Failure to maintain a written Plant Operations Manual. Description:

Classification: Minor Self Report?

30 TAC Chapter 290, SubChapter D 290.43(c)(3) Citation: Failure to provide the overflow pipe on the elevated storage tanks with a

Description: gravity-hinged and weighted cover. The cover must seat properly with a gap of not

more than 1/16 inch.

Classification: Minor Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)

Failure to enclose a potable water storage tanks with an intruder-resistant fence Description:

with lockable gates or a locked, ventilated house.

Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)

Failure to adopt an adequate plumbing ordinance, regulations or a service Description:

agreement with provisions for proper enforcement.

Classification: Self Report? NO Minor

30 TAC Chapter 290, SubChapter D 290.46(m)(1) Citation:

Failed to inspect the elevated storage tank at least annually. Description: Classification: Minor

Self Report? NO

30 TAC Chapter 290, SubChapter F 290.121(a) Citation:

Failed to maintain copies of the Monitoring Plan at each water treatment plant and Description: at a central location available for review.

Classification: NO

Self Report?

Citation:

Citation:

30 TAC Chapter 288, SubChapter B 288.20

Description:

Failed to provide a copy of an adopted drought contingency plan. Classification:

Self Report?

30 TAC Chapter 290, SubChapter F 290.109(c)(1)

Description: Self Report?

Failed to monitor for microbial contaminants according to the monitoring plan. Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter F 290.110(c)(4)

Description:

Failed to collect and document weekly disinfectant residual tests representative of

the distribution system.

F. Environmental audits.

N/A

Type of environmental management systems (EMSs). G.

Voluntary on-site compliance assessment dates.

N/A

Participation in a voluntary pollution reduction program.

Early compliance. J.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF DOMINO	§	
RN101388866	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2011-2047-MLM-E

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Domino ("the Respondent") under the authority of Tex. Health & Safety Code ch. 341 and Tex. Water Code ch. 11. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply on Farm-to-Market Road 3129, four-tenths of a mile east of Highway 59 North in Domino, Cass County, Texas (the "Facility") that has approximately 101 service connections and serves at least 25 people per day for at least 60 days per year.

- 2. During investigations conducted on January 18 and September 13, 2011, TCEQ staff documented that the Respondent did not provide Facility records to Commission personnel at the time of the investigations. Specifically, at the time of the investigations, the following records were not available for review: amount of chemicals used each week; volume of water treated each week; date, location, and nature of water quality, pressure or outage complaints received by the system and results of any subsequent complaint investigation; dates dead-end mains were flushed; dates that storage tanks and other facilities were cleaned; and the maintenance records for the Facility and its equipment.
- 3. During investigations conducted on January 18 and September 13, 2011, TCEQ staff documented that the Respondent did not conduct an annual inspection of the Facility's elevated storage tank. Specifically, at the time of the investigations, it was documented that the elevated storage tank had not been inspected in the previous year.
- 4. During investigations conducted on January 18 and September 13, 2011, TCEQ staff documented that the Respondent did not maintain an up-to-date chemical and microbiological monitoring plan. Specifically, at the time of the investigations, it was documented that the Facility only had a site sampling list in lieu of a complete chemical and microbiological monitoring plan.
- 5. During investigations conducted on January 18 and September 13, 2011, TCEQ staff documented that the Respondent did not collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system. Specifically, at the time of the investigations, it was documented that the entry point adjacent to the elevated storage tank was the only location used for sampling.
- 6. During investigations conducted on January 18 and September 13, 2011, TCEQ staff documented that the Respondent did not monitor the disinfectant residual at various locations throughout the distribution system. Specifically, at the time of the investigations, it was documented that the entry point adjacent to the the elevated storage tank was the only location used to monitor the disinfectant residual.
- 7. During an investigation conducted on September 13, 2011, TCEQ staff documented that the Respondent did not issue a boil water notification within 24 hours using the prescribed notification format as specified in 30 Tex. Admin. Code § 290.47(e). Specifically, at the time of the investigation, it was documented that at least two water outages occurred during the month of August 2011 and that the Respondent did not issue boil water notices within 24 hours of the water outages.
- 8. During an investigation conducted on September 13, 2011, TCEQ staff documented that the Respondent did not operate the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher license. Specifically, at the time of the investigation, it was documented that the Respondent has a licensed operator under contract to collect routine distribution coliform samples, but the operator does not perform any other process control duties.
- 9. During investigations conducted on January 18 and September 13, 2011, TCEQ staff documented that the Respondent did not adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier. Specifically, at

the time of the investigations, it was documented that the Respondent had drafted but not formally adopted a drought contingency plan.

10. The Respondent received notice of the violations on October 24, 2011.

II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 11 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 2, the Respondent failed to provide Facility records to Commission personnel at the time of the investigations, in violation of 30 Tex. ADMIN. CODE § 290.46(f)(3)(A)(i)(III), (f)(3)(A)(ii)(III), (f)(3)(A)(iii), (f)(3)(A)(iv), (f)(3)(A)(v) and (f)(3)(A)(vi).
- 3. As evidenced by Findings of Fact No. 3, the Respondent failed to conduct an annual inspection of the Facility's elevated storage tank, in violation of 30 Tex. ADMIN. CODE § 290.46(m)(1)(A).
- 4. As evidenced by Findings of Fact No. 4, the Respondent failed to maintain an up-to-date chemical and microbiological monitoring plan, in violation of 30 Tex. ADMIN. CODE § 290.121(a) and (b).
- 5. As evidenced by Findings of Fact No. 5, the Respondent failed to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system, in violation of 30 Tex. ADMIN. CODE § 290.109(c)(1)(A).
- 6. As evidenced by Findings of Fact No. 6, the Respondent failed to monitor the disinfectant residual at various locations throughout the distribution system, in violation of 30 Tex. ADMIN. Code § 290.110(c)(4).
- 7. As evidenced by Findings of Fact No. 7, the Respondent failed to issue a boil water notification within 24 hours using the prescribed notification format as specified in 30 Tex. Admin. Code § 290.47(e), in violation of 30 Tex. Admin. Code § 290.46(q)(1).
- 8. As evidenced by Findings of Fact No. 8, the Respondent failed to operate the Facility under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher license, in violation of 30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a).
- 9. As evidenced by Findings of Fact No. 9, the Respondent failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier, in violation of 30 Tex. ADMIN. CODE §§ 288.20(a) and 288.30(5)(B).
- Pursuant to Tex. Health & Safety Code § 341.049 and Tex. Water Code § 11.0842, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

11. An administrative penalty in the amount of Two Thousand Six Hundred Forty-Two Dollars (\$2,642) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Health & Safety Code § 341.049(b) and Tex. Water Code § 11.0842(c). The Respondent has paid One Thousand Three Hundred Twenty-One (\$1,321) of the administrative penalty. The remaining amount of One Thousand Three Hundred Twenty-One (\$1,321) of the administrative penalty shall be payable in one monthly payment of One Thousand Three Hundred Twenty-One (\$1,321). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Two Thousand Six Hundred Forty-Two Dollars (\$2,642) as set forth in Section II, Paragraph 11 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Domino, Docket No. 2011-2047-MLM-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Agreed Order:
 - i. Begin collecting routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system, in accordance with 30 Tex. Admin. Code § 290.109; and
 - ii. Begin monitoring the disinfectant residual at various locations throughout the distribution system, in accordance with 30 Tex. ADMIN. CODE § 290.110.
 - b. Within 30 days after the effective date of this Agreed Order:

- i. Ensure that the Facility is operated under the direct supervision of a water works operator who holds a minimum of a Class "D" or higher license, in accordance with 30 Tex. ADMIN. CODE § 290.46; and
- ii. Develop and begin maintaining a written protocol that is to be followed to ensure that proper notification and boil water notices are provided to the customers of the Facility in the event of low distribution system pressure below 20 pounds per square inch, water outages, positive microbiological samples, low chlorine residuals, or other conditions which indicate that the water supply may be compromised, in accordance with 30 Tex. Admin. Code § 290.46.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e, to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b.
- d. Within 60 days after the effective date of this Agreed Order:
 - i. Begin maintaining at the Facility a complete record of water works operations and maintenance activities, including but not limited to: the amount of chemicals used each week; the volume of water treated each week; the date, location, and nature of water quality, pressure or outage complaints received by the system and results of any subsequent complaint investigation; the dates dead-end mains were flushed; the dates that storage tanks and other facilities were cleaned; and the maintenance records for the Facility and its equipment, in accordance with 30 Tex. ADMIN. CODE § 290.45;
 - ii. Compile a complete and up-to-date chemical and microbiological monitoring plan, in accordance with 30 Tex. ADMIN. CODE § 290.121;
 - iii. Adopt and keep on file a drought contingency plan, in accordance with 30 Tex. Admin. Code §§ 288.20 and 288.30; and
 - iv. Conduct an inspection of the Facility's elevated storage tank, in accordance with 30 Tex. Admin. Code § 290.46.
- e. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

City of Domino DOCKET NO. 2011-2047-MLM-E Page 6

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager Tyler Regional Office Texas Commission on Environmental Quality 2916 Teague Drive Tyler, Texas 75701-3734

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or

City of Domino DOCKET NO. 2011-2047-MLM-E Page 7

authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142.

City of Domino DOCKET NO. 2011-2047-MLM-E Page 8

For the Commission

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

12an Jan x	6/18/1-
For the Executive Director	Date
City of Domino. I am authorized to agree to Domino, and do agree to the specified term	and the attached Agreed Order in the matter of the of the attached Agreed Order on behalf of the City of ms and conditions. I further acknowledge that the penalty amount, is materially relying on such
procedural rights, including, but not limited by this Agreed Order, notice of an evidentia the right to appeal. I agree to the terms of	Agreed Order, the City of Domino waives certain to, the right to formal notice of violations addressed try hearing, the right to an evidentiary hearing, and the Agreed Order in lieu of an evidentiary hearing. adjudication by the Commission of the violations set
 and/or failure to timely pay the penalty amo A negative impact on compliance hist Greater scrutiny of any permit applic Referral of this case to the Attorney additional penalties, and/or attorney Increased penalties in any future enformation of the Attorney of the Attorney	tory; ations submitted; by General's Office for contempt, injunctive relief, fees, or to a collection agency; brocement actions; General's Office of any future enforcement actions;
Signature Levelen	3-23-12 Date
Name (Printed or typed) Authorized Representative of City of Domino	Council MAN Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.